

Madrid Protocol Concerning the International Registration of Marks

International Registrations Containing a Designation of the Philippines: Requirement to File Declarations of Actual Use of the Mark

1. The Office of the Philippines has provided to the International Bureau of the World Intellectual Property Organization (WIPO) information related to the requirement to file declarations of actual use of a mark which is the subject of an international registration containing a designation of the Philippines and has requested that this information be made available to users of the Madrid system.
2. Holders of international registrations containing a designation of the Philippines must file declarations of actual use of the mark with evidence to that effect. Such declarations must be filed directly with the Office of the Philippines, as prescribed by the applicable laws and regulations and upon payment of a fee:
 - (a) within a three-year period, counted from the date of the international registration or the date of the recordal of the subsequent designation of the Philippines. A one-time six-month extension of the three-year period to file the aforementioned declaration may be requested, provided that such request is filed before the expiry of the said period;
 - (b) within a one-year period, following five years counted from the date on which protection was granted in the Philippines, as indicated in the statement sent by the Office of the Philippines to the International Bureau under either Rule 18*ter*(1) or (2) of the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement;
 - (c) within a one-year period, following five years counted from the date of each renewal of the international registration.
3. Alternately, within the aforementioned periods, holders of international registrations containing a designation of the Philippines may file, directly with the Office of the Philippines, in the manner prescribed by the applicable laws and regulations and upon payment of a fee, a declaration of non-use of the mark, stating the valid grounds, under the laws of the Philippines, for such non-use.
4. The declaration of actual use or non-use of the mark must be submitted by the holder's authorized representative with a local address or by a legal representative in the Philippines. A local address is required for purposes of notification.

5. Failure to file declarations of either actual use or non-use of the mark, within the applicable periods, will prompt the Office of the Philippines to declare, *ex officio*, that protection to the mark which is the subject of an international registration containing a designation of the Philippines cannot or can no longer be granted.

6. Users of the Madrid system may contact the Office of the Philippines for further information concerning this matter.

June 17, 2013